



PATENT

DOCKET NO. P04761 (NATI15-04761)
Customer No. 23990

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re provisional application of : JOHN E. GAVLIK, ET AL.
U.S. Serial No. : 09/713,389
Filed : November 15, 2000
For : NETWORK INTERFACE CARD USING PHYSICAL LAYER
MICROCONTROLLER AND METHOD OF OPERATION
Group No. : 2157
Examiner : Hussein A. El Chanti

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

Sir:

The undersigned hereby certifies that the following documents:

1. Notice of Appeal;
2. Fee Transmittal for FY 2005 (in duplicate);
3. Check in the amount of \$500.00 for the Notice of Appeal Filing Fee; and
4. Postcard receipt.

relating to the above application, were deposited as "First Class Mail" with the United States Postal Service, addressed to MAIL STOP AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 2, 2005.

Date: February 2, 2005



Mailer

Date: February 2, 2005



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FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 500.00)

Complete if Known

Application Number	09/713,389
Filing Date	November 15, 2000
First Named Inventor	John E. Gavlik
Examiner Name	Hussein A. El Chanti
Art Unit	2157
Attorney Docket No.	P04761 (NATI15-04761)

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None
 Deposit Account:

Deposit Account Number 50-0208
Deposit Account Name Davis Munck, P.C.

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 790	2001 395	Utility filing fee	
1002 350	2002 175	Design filing fee	
1003 550	2003 275	Plant filing fee	
1004 790	2004 395	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$ 0-)			

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims			
Multiple Dependent			

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 88	2201 44	Independent claims in excess of 3
1203 300	2203 150	Multiple dependent claim, if not paid
1204 88	2204 44	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$ 0-)		

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 430	2252 215	Extension for reply within second month	
1253 980	2253 490	Extension for reply within third month	
1254 1,530	2254 765	Extension for reply within fourth month	
1255 2,080	2255 1,040	Extension for reply within fifth month	
1401 340	2401 170	Notice of Appeal	\$500.00
1402 340	2402 170	Filing a brief in support of an appeal	
1403 300	2403 150	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,370	2453 685	Petition to revive - unintentional	
1501 1,370	2501 685	Utility issue fee (or reissue)	
1502 490	2502 245	Design issue fee	
1503 660	2503 330	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 790	2809 395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 790	2810 395	For each additional invention to be examined (37 CFR 1.129(b))	
1801 790	2801 395	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 500.00)

SUBMITTED BY

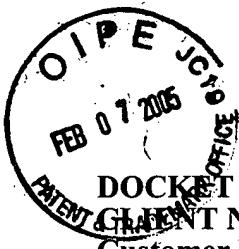
(Complete if applicable)

Name (Print/Type)	Frederick D. Hamilton	Registration No. (Attorney/Agent)	29,717	Telephone	972-628-3600
Signature	Frederick D. Hamilton		Date	2/2/05	

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Sir:

NOTICE OF APPEAL

The Applicants hereby appeal to the Board of Appeals from the decision of the Examiner dated August 13, 2004, finally rejecting Claims 1-23.

The Applicants have included a check in the amount of \$500.00 to cover the cost of this NOTICE OF APPEAL.

The Applicants believe that no extension of time fee is required with this NOTICE OF APPEAL. In response to the Office Action dated August 13, 2004, the Applicants filed an AMENDMENT AND RESPONSE on October 12, 2004. The Applicants therefore responded to the Office Action within two months of the mailing date of the Office Action.

According to the Office Action and pursuant to MPEP § 706.07(f), the shortened

statutory period for replying to the Office Action expires three months from the date of the final

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rejection or on the mailing date of an Advisory Action, whichever is later. As of this time, the Applicants do not believe that any Advisory Action has been mailed. Because no Advisory Action has been mailed, the shortened statutory period for replying to the Office Action has not yet expired, and no extension of time fee is due. However, in the event that an Advisory Action has recently been mailed, only a one (1) month extension of time would be required with this NOTICE OF APPEAL, and the Commissioner is hereby authorized to charge the required extension of time fee to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,
DAVIS MUNCK, P.C.

Date: February 2, 2005

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